

[Docket Nos. 16 and 17]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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RAHIM R. CALDWELL,	:	
	:	
	:	
Plaintiff,	:	Civil No. 08-1599 (RMB)
	:	
v.	:	
	:	<b>ORDER</b>
CUMBERLAND COUNTY SHERIFFS	:	
DEPARTMENT et al.,	:	
	:	
Defendants.	:	

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This matter comes before the Court upon two motions filed by the Plaintiff Rahim R. Caldwell, appearing pro se: a motion for summary judgment [Docket Entry No. 16] and a motion for preliminary injunction et al [Docket Entry No. 17].

Plaintiff's motion for summary judgment is premature. On June 19, 2008, the Honorable Joel Schneider set a scheduling conference for August 6, 2008, for the purpose of arriving at a schedule to manage discovery. See Docket Entry No. 13. The Plaintiff, however, failed to appear for that conference. The conference is now set for September 2, 2008. These recent filings by the Plaintiff do not set forth any facts that are not in dispute by the parties. Indeed, discovery has not yet commenced.

Similarly, Plaintiff's motion for preliminary injunction is premature. Plaintiff seeks to enjoin a state arrest warrant issued for his failure to pay a \$100 fine. Because the relief Plaintiff seeks is based upon a new set of facts, he must first seek leave of the Court, or obtain Defendant's written consent, to amend his complaint to include this new claim pursuant to Federal Rule of Civil Procedure 15(2).

Accordingly,

IT IS ON THIS 27th day of August 2008, **ORDERED** that those motions are hereby **DENIED WITHOUT PREJUDICE**.

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
United States District Judge